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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/784,931 | 02/15/2001 | Andrei M. Herasimchuck | 07844-338001 / P312 | 4310 |

21876 7590 01/29/2004

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MINNEAPOLIS, MN 55402

EXAMINER

TRAN, MYLINH T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2174

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DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,931

Applicant(s)

HERASIMCHUCK, ANDREI M.

Examiner

Mylinh T Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6, 17, 20-21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuzawa [US. 6,297,828].

As to claims 1 and 21, Fukuzawa discloses displaying to a user a base state line that represents a range of base data values (column 5, line 63 through column 6, line 6, column 6, lines 40-50); displaying to a user a two-dimensional coordinate space in which the two dimensions are respectively parallel to and normal to the line (column 2, line 50 through column 3, line 12); and representing a range of possible data values for each base data value by distances along the normal

dimension of the coordinate space from the corresponding base data value on the line (figure 5, column 5, line 45 through column 6, line 14).

As to claim 2, Fukuzawa also discloses the line being displayed horizontally and the coordinate space is skewed from the horizontal direction (figure 5, column 5, line 45 through column 6, line 14).

As to claim 3, Fukuzawa teaches the two-dimensional coordinate space comprises a polygon, two non-adjacent vertices of the polygon coinciding with the ends of the line in the two-dimensional coordinate space (figure 15, column 7, line 44 through column 8, line 17). A polygon is a closed plane figure with straight sides which is suggested by figure 15 of Fukuzawa's system.

As to claim 4, Fukuzawa also teaches a parallelogram comprising a first vertical side parallel to a second vertical side and a first skewed side parallel to a second skewed side (column 9, lines 20-55). A parallelogram is 4-sided polygon with opposite sides equal and parallel is suggest by figure 15 of Fukuzawa's system.

As to claim 6, Fukuzawa shows displaying an active region representing a parameter space of data values that may be assigned when the range of base data values is modified (column 6, line 62 through column 7, line 25).

As to claims 17, 20, 23 and 25, Fukuzawa provides displaying to a user a line that represents a range of base data values (column 2, line 50 through column 3, line 12; displaying to a user a two-dimensional coordinate space in which the two dimensions are respectively parallel to and normal to the line (figure 15, column 7, lines 43-65);

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-16, 18-19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuzawa [6,297,828] in view of Bertram et al.

As to claims 5, 7, 11, 18, 19, 22 and 24, the difference between Fukuzawa and the claim is the possible data values represented by endpoints of the first vertical side and the second vertical side comprise the minimum and maximum of the range of possible data values; the possible data values represented by points on the first skewed side comprise the minimum of the range of possible data values; and the possible data values represented by points on the second skewed side comprise the maximum of the range of possible data values. Bertram et al. teaches the features at column 4, line 51 through column 5, line 12 and column 8, lines 22-53). It would have been obvious to one of ordinary skill in the art, having the teachings of Fukuzawa and Bertram et al. before them at the time the invention was made to modify the method of representing the data value as taught by Fukuzawa to include the maximum and minimum values of the data of Bertram et al., in order to allow users to select the desired new data value as taught by Bertram et al.

As to claim 8, Bertram et al. provides the data values being used in a computer graphics display (figure 4A-4B, column 8, line 53 through column 9, line 25).

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As to claims 9 and 10, Fukuzawa also provides the quantifiable image property comprising brightness and contrast (column 4, line 51 through column 5, line 10).

As to claim 12, Fukuzawa demonstrates receiving from a user an input selecting a point on the line (column 8, line 52 through column 9, line 10); receiving from a user an input moving the selected point to a new position in the coordinate space and defining a curve in the coordinate space through the ends of the line and through the new position of the point (column 9, lines 20-50).

As to claims 13 and 16, Fukuzawa also demonstrates the tangent to the curve at the new position of the point is parallel to the line (figure 16 C, 17C, column 8, lines 27-60).

As to claim 14, Fukuzawa discloses displaying to a user the base data value of the selected point; and displaying to a user the new data value of the point as it is dragged, the new data

value being determined by the normal distance from the line to the point (column 8, line 27 through column 9, line 50).

As to claim 15, Fukuzawa also discloses defining one or more nodes in the coordinate space; and defining a curve in the coordinate space through the ends of the line and through the nodes (column 6, lines 5-50).

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft

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communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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